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TESTIMONY OF CHARLES A. RYAN, ESQ.

**TO THE HOUSING COMMITTEE
ON PROPOSED BILL 814
AN ACT CONCERNING THE ESTABLISHMENT OF A PILOT PROGRAM FOR THE
MEDIATION OF CONDOMINIUM-RELATED DISPUTES**

Representative Butler, Senator Slossberg, Senator Hwang, Representative Rose, Senator Osten, Senator Kelly, and members of the Housing Committee:

My name is Charles Ryan. I am an attorney with an office in Watertown, CT. I have been practicing law since 2010 and my practice focuses almost entirely on representing Common Interest Communities throughout the State of Connecticut.

I am a member of the Connecticut Chapter of Community Association Institute (“CAI-CT”). I am a Member of CAI-CT’s Education Program Committee, Conference Committee and the local chapter of the CAI’s Legislative Action Committee. I am also a member of the CAI Lawyer’s Council for CT.

My practice encompasses all aspects of Association representation and is not limited to debt collection. Accordingly I spend many nights at Board Meetings and Unit Owner Meetings discussing and resolving many issues that affect Connecticut’s Common Interest Communities. I also litigate issues involving Common Interest Communities.

Please accept this testimony in opposition of Proposed Bill No. 814.

The Committee is urged to **reject** Proposed Bill 814 “AN ACT CONCERNING THE ESTABLISHMENT OF A PILOT PROGRAM FOR THE MEDIATION OF CONDOMINIUM-RELATED DISPUTES.” Proposed Bill 814 would authorize Unit Owners to seek mediation of disputes between the Association and the Unit Owners.

C.G.S. Sections 47-278(b) & 47-244(a)(18) Currently Authorize ADR

The establishment of the mediation program is duplicative. The Common Interest Ownership Act at Sections 47-278(b) & 47-244(a)(18) already authorize alternative dispute resolution between parties.

Section 47-278(b) states:

“Parties to a dispute arising under this chapter, the declaration or the bylaws may agree to resolve the dispute by any form of binding or nonbinding alternative dispute resolution, provided: (1) A declarant may agree with the association to do so only after the period of declarant control has expired; and (2) an agreement to submit to any form of binding alternative dispute resolution must be in a record authenticated by the parties.

Section 47-278(b)(18) states:

The Association may require, by regulation, that disputes between the executive board and unit owners or between two or more unit owners regarding the common interest community must be submitted to nonbinding alternative dispute resolution in the manner described in the regulation as a prerequisite to commencement of a judicial proceeding;

Accordingly, ADR alternatives are already available to Owners.

Financial Hardship for Associations and Board Members

A mediation program such as the one proposed by Proposed Bill 814 would create a financial hardship for associations and Board Members. Most associations operate on very thin budgets. Board Members attempt to maintain low common fees while the costs of living continuously increase. Pools are closed, insurance deductibles are increased, maintenance is deferred and non-essential items such as land beautification are reduced or eliminated. A mediation program administered by the Probate Court would result in a financial hardship for Associations. The Board would incur additional fees for the attendance at the mediation by their Community Association Manager, Accountant, Attorney and other paid professionals. Assuming, arguendo, that a professional was not engaged to attend to mediation, it is almost certain that additional expenses would be incurred as a result of phone calls, emails and other communications in preparation for the mediation.

Additionally, the Probate Administered mediation would result in a financial hardship for Board Members. Associations are governed by Boards made up of volunteers. Most business involving the Board takes place after business hours. For example, most Board meetings begin after 6:00pm. Having a mediation process during court hours would add to the burden association's face. In order to have a meaningful mediation, Board Members would be required to take time off from work to participate. Given the difficulty of finding volunteers to serve on Association Boards, the added requirement of attending mediation would only lessen the number of volunteers willing to serve their communities.

Conclusion

For the aforementioned reasons I respectfully request that Proposed Bill 814 be rejected.

Respectfully submitted,

/s/Charles A. Ryan

Charles A. Ryan, Esq.